

## **PART 32 — CONTRACT FINANCING**

### **TABLE OF CONTENTS**

#### **SUBPART 32.1 — GENERAL**

32.111 Contract clauses.

#### **SUBPART 32.7 — CONTRACT FUNDING**

32.703-2-100 Civil works contracts conditioned upon the availability of funds - continuing contracts.

32.705 Contract clauses.

32.705-100 Clauses for civil works continuing contracts.

## ENGINEER FAR SUPPLEMENT (EFARS)

### PART 32 — CONTRACT FINANCING

---

#### SUBPART 32.1 — GENERAL

##### 32.111 Contract clauses.

(S-100) When the contracting officer determines that payment for materials delivered to a location other than the work site during a construction contract is in the Government's best interest, the contracting officer shall insert the statement at 52.232-5000, Payment for Material Delivered Off-Site, in solicitations and contracts.

(b) The clause at 52.232-5002, Continuing Contracts (Alternate), may be used in solicitations and contracts funded by civil works appropriations as follows:

(i) incrementally-funded contracts when no contracting authority exists to obligate the entire contract price in advance of appropriations;

(ii) multi-year contracts under the continuing authorities program described in ER 1105-2-100 for construction and for studies (including General Investigation Studies, advance engineering and design, architect-engineer services, and other studies).

#### SUBPART 32.7 — CONTRACT FUNDING

##### 32.703-2-100 Civil works contracts conditioned upon the availability of funds - continuing contracts.

(a) 33 U.S.C. 621 authorizes the use of civil works contracts for Congressionally-mandated projects that have a portion of the contract price dependent upon reservation of funds from future appropriations. In addition, ER 1105-2-100 authorizes the use of civil works incrementally-funded contracts where contracting authority does not exist to obligate the entire contract price in advance of appropriations.

(b) For continuing contracts, contracting officers should ensure that funds are kept available for necessary superintendence up to the probable resumption of work, and for any expected end of contract clean-up.

##### 32.705 Contract clauses.

##### 32.705-100 Clauses for civil works continuing contracts.

(a) The clause at 52.232-5001, Continuing Contracts, shall be used in solicitations and contracts for civil works construction and supply (including dredging, maintenance, and new construction), but only for projects that have been specifically adopted by Congress in authorizing legislation. This clause may also be used for civil works operation and maintenance (O&M) contracts for projects that have previously been specifically adopted by Congress. Do not use this clause for projects that are under the continuing authorities described in ER 1105-2-100.